



February 10, 2017

Bureau of Land Management
Richfield Field Office
Attn: Cindy Ledbetter
150 East 900 North
Richfield, Utah 84701

Delivered via email to: utrmail@blm.gov

Re: DOI-BLM-UT-C020-2017-0001-EA, June 2017 Oil and Gas Lease Sale

Dear Ms. Ledbetter:

The National Wildlife Federation (NWF) thanks you for the opportunity to submit comments on the Environmental Assessment (EA) for the Utah Bureau of Land Management (BLM) June 2017 oil and gas lease sale of parcels in the Richfield Field Office. These comments are submitted on behalf of NWF and its six million members and supporters. NWF members use and enjoy the fish and wildlife resources found on America's public lands, including the Greater sage-grouse and mule deer habitat provided by the area impacted by the proposed lease sale. Specifically, NWF is writing to express concerns with the manner in which BLM is complying with the letter and intent of amended land use plans and guidance that direct the agency to prioritize leasing and development *outside* of Greater sage-grouse habitat. NWF requests that BLM defer parcels 007, 008, 017, 018, 019, 020, 021, 022, 023, 024 and 025 (hereinafter referred to as the "PHMA Parcels"), which are in Priority Habitat Management Areas (PHMA) for the Greater sage-grouse until the agency demonstrates that it has fully complied with all applicable Resource Management Plan (RMP) provisions as well as agency Instruction Memoranda.

In the Greater Sage Grouse Record of Decision (ROD), PHMA is defined as "BLM-administered lands identified as having the highest habitat value for maintaining sustainable GRSG populations." ROD at 1-15. The importance of protecting PHMA led to provisions in the ROD, the Utah Approved RMP Amendment and Instruction Memorandum 2016-143 that require BLM to prioritize leasing and development outside sage-grouse habitat, particularly outside PHMA.

The Greater Sage Grouse ROD specifically includes a "Prioritization Objective" which provides:

In addition to allocations that limit disturbance in PHMAs and GHMAs, the ARMPAs prioritize oil and gas leasing and development outside of identified PHMAs and GHMAs

to further limit future surface disturbance and to encourage new development in areas that would not conflict with GRSG. This objective is intended to guide development to lower conflict areas and, as such, protect important habitat and reduce the time and cost associated with oil and gas leasing development. It would do this by avoiding sensitive areas, reducing the complexity of environmental review and analysis of potential impacts on sensitive species, and decreasing the need for compensatory mitigation.

ROD at 1-23. The Utah Approved RMP Amendment echoes this directive, including the following objective:

Priority will be given to leasing and development of fluid mineral resources, including geothermal, outside of PHMA and GHMA. When analyzing leasing and authorizing development of fluid mineral resources, including geothermal, in PHMA and GHMA, and subject to applicable stipulations for the conservation of GRSG, priority will be given to development in non-habitat areas first and then in the least suitable habitat for GRSG. The implementation of these priorities will be subject to valid existing rights and any applicable law or regulation, including, but not limited to, 30 USC 226(p) and 43 CFR, Part 3162.3-1(h).

Utah Approved RMP Amendment at 2-25. Further, BLM has issued guidance elaborating on the way agency staff are to comply with the requirement to prioritize leasing and development outside sage-grouse habitat in Instruction Memorandum (IM) 2016-143 Implementation of Greater Sage-Grouse Resource Management Plan Revisions or Amendments – Oil & Gas Leasing and Development Sequential Prioritization¹. IM 2016-143 provides the following, in making leasing decisions:

Lands within PHMAs: BLM state offices will consider EOIs for lands within PHMAs after lands outside of GHMAs and PHMAs have been considered, and EOIs for lands within GHMA have been considered. When considering the PHMA lands for leasing, the BLM State Offices will ensure that a decision to lease those lands would conform to the conservation objectives and provisions in the GRSG Plans (e.g., Stipulations) including special consideration of any identified SFAs.

The IM also sets out “factors to consider” after applying this prioritization sequence:

- Parcels immediately adjacent or proximate to existing oil and gas leases and development operations or other land use development should be more appropriate for consideration before parcels that are not near existing operations. This is the most important factor to consider, as the objective is to minimize disturbance footprints and preserve the integrity of habitat for conservation.
- Parcels that are within existing Federal oil and gas units should be more appropriate for consideration than parcels not within existing Federal oil and gas units.

¹ Available at:

https://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2016/IM_2016-143.html

- Parcels in areas with higher potential for development (for example, considering the oil and gas potential maps developed by the BLM for the GRSG Plans) are more appropriate for consideration than parcels with lower potential for development. The Authorized Officer may conclude that an area has “higher potential” based on all pertinent information, and is not limited to the Reasonable Foreseeable Development (RFD) potential maps from Plans analysis.
- Parcels in areas of lower-value sage-grouse habitat or further away from important life-history habitat features (for example, distance from any active sage-grouse leks) are more appropriate for consideration than parcels in higher-value habitat or closer to important life-history habitat features (i.e. lek, nesting, winter range areas). At the time the leasing priority is determined, when leasing within GHMA or PHMA is considered, BLM should consider, first, areas determined to be non-sage-grouse habitat and then consider areas of lower value habitat.
- Parcels within areas having completed field-development Environmental Impact Statements or Master Leasing Plans that allow for adequate site-specific mitigation and are in conformance with the objectives and provisions in the GRSG Plans may be more appropriate for consideration than parcels that have not been evaluated by the BLM in this manner.
- Parcels within areas where law or regulation indicates that offering the lands for leasing is in the government’s interest (such as in instances where there is drainage of Federal minerals, 43 CFR § 3162.2-2, or trespass drilling on unleased lands) will generally be considered more appropriate for leasing, but lease terms will include all appropriate conservation objectives and provisions from the GRSG Plans.
- As appropriate, use the BLM’s Surface Disturbance Analysis and Reclamation Tracking Tool (SDARTT) to check EOI parcels in PHMA, to ensure that existing surface disturbance does not exceed the disturbance and density caps and that development of valid existing rights (Solid Minerals, ROW) for approved-but-not-yet-constructed surface disturbing activities would not exceed the caps.

The EA acknowledges there are 11 parcels in PHMA. EA at 29. The “Conformance with BLM Land Use Plan” section of the EA provides that the “alternatives described below are in conformance with the RFO RMP, (BLM 2008), as maintained and as amended by the 2015 Greater Sage Grouse EIS ROD (BLM 2015).” EA at 3. The EA also incorporates plan provisions regarding application of a no surface occupancy (NSO) stipulation and requiring mitigation to achieve a net conservation gain. EA at 29. However, the EA does not mention or address the requirements in the ROD and the Utah Approved RMP Amendment regarding prioritization of leasing and development outside sage-grouse habitat or the related implementation guidance. The EA does not include any discussion of how BLM determined that these PHMA Parcels are appropriate to be included in the June 2017 leasing pursuant to the overall prioritization sequence. Moreover, there is no specific examination of how the factors listed in IM 2016-143 were applied in determining that each of the PHMA Parcels is acceptable for leasing.

Finally, the EA does not address prioritization of development outside PHMA as part of the lease stipulations or in other provisions applicable to the PHMA Parcels. IM 2016-143 includes requirements to implement a “Prioritization Sequence for Permits for Oil and Gas Development and Operations in or near GRSG Habitats” that provides:

When processing permits for oil and gas development and operations in or near GRSG habitat, follow this prioritization sequence:

1. Lands outside PHMAs/GHMAs: The BLM will encourage development outside of PHMAs/GHMAs by working with operators to focus their development proposals away from GRSG habitats.
2. Lands in GHMAs: Authorized Officers will use the prioritization sequence to meet the conservation objectives and provisions in the GRSG land use Plans by encouraging development in GHMA before development in PHMA, by taking into consideration the factors and existing prioritizations (as detailed below) GRSG land use Plans when processing permits for well locations.
3. Lands in PHMA: Authorized Officers will use the prioritization sequence to meet the conservation objectives and provisions in the GRSG land use Plans by encouraging development, first outside of GHMA/ PHMA, and then in GHMA, before development in PHMA, while taking into consideration the factors and existing prioritizations (as detailed below) when processing permits for well locations.

Once BLM fully analyzes whether the PHMA Parcels are suitable for leasing, the agency should also incorporate (in any parcels appropriate for leasing) provisions into the lease terms that highlight both the agency’s and the operator’s obligations to prioritize development outside PHMA and the potential effects on approval of requests for permits to drill.

NWF appreciates your attention to these comments and encourages BLM to improve transparency further by demonstrating its fulfillment of conservation measures in place to maintain Greater sage-grouse populations and the habitat that sustains them along with more than 350 other species.

Sincerely,



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